Attitudes on the Intellectual Property Ownership of Software and Computer Programming

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Software and programming efforts are all around us. Computers and the software that control them help us to communicate better, work more efficiently, greatly improve our lives, and our reliance on viable software continues to grow. A global industry has grown on an intellectual property of programming; however, who should own it? Attitudes on the intellectual property ownership of Software and Computer Programming fall into one of three different categories.

The first attitude on intellectual property rights connected with software ownership is that there should be none. One of the biggest proponents is Internet Hall of Fame inductee, Richard Stallman. Stallman is a programmer and an activist for the free software movement who was instrumental in the development of Linux, an open-source Unix-like operating system. Early in his career, he became alarmed at the increasing trade restrictions and corporate control of new software development. He believes that all everyone from programmers to end users should have unlimited access to all available software. "Freedom means having control over your own life. If you use a program to carry out activities in your life, your freedom depends on your having control over the program. You deserve to have control over the programs you use, and all the more so when you use them for something important in your life." (Stallman)

The second attitude is completely opposite of the first in that intellectual property should be protected by copyrights, trade secrets, and trademarks. Every program had resources and time spent on development. Licenses and fees are necessary to help incentivize further development. The programmer that is responsible for coding the program should have an ownership over it. According to the website Consultants 500, "Intellectual property in any sense is highly important. Not only can it work to boost brand awareness, but it is also considered one of the

most attractive draws for potential investors. Of course, it's also a way of protecting what is rightfully yours. Internally, there are concerns of theft from employees or contractors and there are concerns about source code use without payment." (Sagastume)

The third attitude on intellectual property is knowing that there is software ownership; however, giving out free copies to friends and family is considered acceptable. Helen Nissenbaum gives an example in her article Should I Copy My Neighbor's Software? Fictional character Milley Smith has a copy of the home bookkeeping program Quicken. It helps her balance her budget and organize financial records. She reads the fine print on the box and understands that it is illegal to make copies. Her friend Max Jones is always struggling with his budget and spends all that he earns. He could really use a copy of Quicken to help him get his finances in order. The problem is that he cannot afford it. Nissenbaum tries to present this cavalier example as a "court of law versus a court of conscience." (Nissenbaum) The community need to help her friend outweighs the moral implication of giving him an illegal copy. She asks if it is really affecting just one programmer; or is it a just a casual shortage to a large corporation making huge profits.

For me, this is an easy decision. Ownership of intellectual property ownership of software and computer programming should belong to the programmer or programming team. Learning to code takes time, learning effort, and considerable resources. Someone has to finance, hire, and continue to support the software. Free access to coding and software would lessen the value and eventually stifle improvements. Computer algorithms are no different. Mathematicians and scientists may claim that there are no patents on math; however, I think computer algorithms are different from mathematical algorithms because of the embedded coding.

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